

**UNITED STATES DISTRICT COURT**  
for the  
Eastern District of Michigan

United States of America

v.

Kevin Shaw Robertson,

Case: 4:22-mj-30323

Assigned To : Ivy, Curtis, Jr

Assign. Date : 7/29/2022

Description: COMP USA V SEALED  
(KCM)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 11/13/21 in the county of Livingston in the  
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 924(a)(1)(a).

Knowingly made false representations related to whether he was the  
actual buyer/transferee of the firearms on ATF Form 4473

This criminal complaint is based on these facts:

I have probable cause to believe that on November 13, 2021, Kevin Shawn Robertson knowingly made false representations related to whether he was the actual buyer/transferee of the firearms on ATF Form 4473 when purchasing firearms on the above dates, in violation of Title 18 U.S.C. § 924(a)(1)(a).

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence and/or by  
reliable electronic means.

Date: 7/29/22City and state: Flint, MI

*Complainant's signature*Nathan Sutara, Special Agent, ATF*Printed name and title*

*Judge's signature*Curtis Ivy, Jr., U.S. Magistrate Judge*Printed name and title*

**AFFIDAVIT**

I, Nathan Sutara, being duly sworn, depose and state the following:

**INTRODUCTION AND AGENT BACKGROUND**

1. I have been employed as a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) since May 2018. I am currently assigned to the Detroit, Michigan Field Division, Flint Field Office. I am tasked with investigating violations of firearms and narcotics laws. Before working with ATF, I was employed by the Michigan Department of State Police (MSP) for approximately 5 years. I held several positions with MSP, including Detective/Trooper with the Major Case Unit in Saginaw, Michigan. During this employment, I investigated numerous incidents involving robberies, shootings, and homicides as well as violations of state and federal firearms laws.

2. I make this affidavit based on my participation in this investigation, including witness interviews by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

3. I have probable cause to believe that on November 13, 2021, Kevin Shawn Robertson knowingly made false representations related to whether he was the actual buyer/transferee of the firearms on ATF Form 4473 when purchasing firearms on the above dates, in violation of Title 18 U.S.C. § 924(a)(1)(a).

### **PROBABLE CAUSE**

4. On June 08, 2022, officers from the Minneapolis Police Department responded to a homicide that took place in the city of Minneapolis. A Glock, model 17 Gen 5, 9mm pistol bearing S/N: BNXZ626 was recovered from the scene of the homicide.

5. A registration query revealed that on November 17, 2021, the pistol was registered to Myques Tyler-Sheldon Berry. At that time, Myques Berry was only 19 years of age.

6. A trace of the pistol further confirmed that the pistol was originally purchased by Kevin Robertson from an FFL in Fenton, MI named *Guns Galore Inc.* on November 13, 2021 - just four days prior to it being registered to Myques Berry.

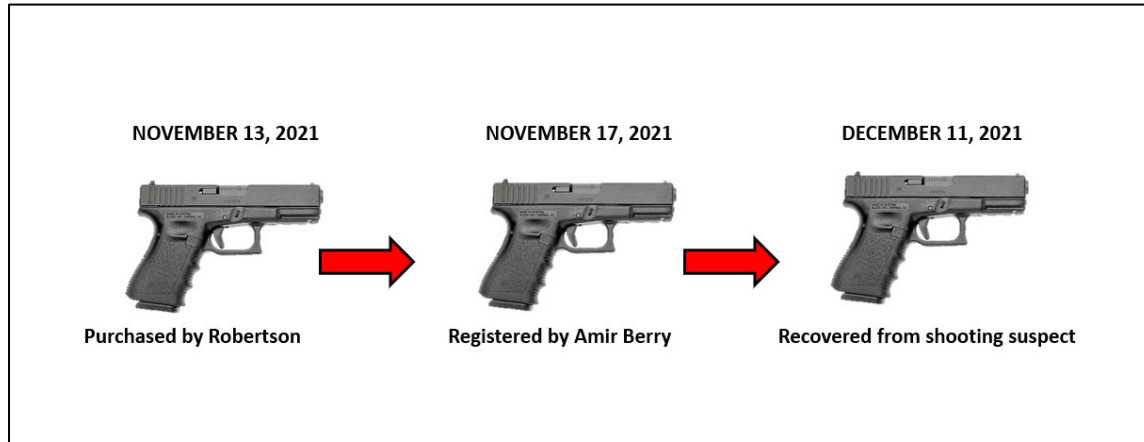


7. It was further determined that on November 13, 2021, Kevin Robertson also purchased a Glock, model 19, 9mm pistol bearing S/N: BCRB260 from *Gun Galore Inc.*

8. A query into the Glock 19 pistol purchased by Kevin Robertson confirmed that four days after he purchased the pistol, on November 17, 2021, Amir Elijah Jordan Berry registered the pistol in his name. Amir Berry was only 18 years of age when he registered this pistol. Amir Berry is the grandson of Kevin Robinson and the nephew of Myques Berry. Because Amir Berry is Kevin Robertson's grandson, Robertson has reason to know Amir Berry was too young to purchase a pistol from an FFL.

9. The Glock 19 pistol registered to Amir Berry was also investigated. On December 11, 2021, just three weeks after Robertson purchased the pistol, the Minneapolis Police Department recovered the pistol during a shooting investigation. Per the report, Minneapolis Police responded to an address regarding multiple

individuals shooting into an occupied dwelling. Four people within the occupied residence sustained gunshot wounds. Shortly after the shooting, Minneapolis Police located one of the suspects in possession of this firearm. The suspect was *not* the registered owner Amir Berry.



10. Following this, I conducted a query of all pistols purchased and registered by Kevin Robertson. This query revealed Robertson has purchased thirty-one (31) pistols. Twenty-nine (29) pistols were purchased between the dates of January 10, 2018, and May 10, 2022. All of these pistols were purchased in the State of Michigan.

11. From the list of thirty-one (31) pistols, one (1) pistol was shown to be registered to Myques Berry. This pistol was the Glock 9mm pistol recovered following a homicide mentioned in paragraph 4.

12. Five pistols were shown to be registered to Amir Berry.

<b>Make</b>	<b>Model</b>	<b>Caliber</b>	<b>S/N:</b>	<b>Type</b>	<b>Original Purchaser:</b>	<b>Purchase Date:</b>	<b>Registered To:</b>	<b>Registered Date:</b>
MPA	30T	9mm	FX32369	Pistol	Robertson, Kevin	03-05-22	Berry, Amir Elijah-Jordan	04-12-2022
Glock	17	9mm	ADVT974	Pistol	Robertson, Kevin	03-05-22	Berry, Amir Elijah-Jordan	05-09-2022
Glock	19	9mm	BCRB260	Pistol	Robertson, Kevin	11-13-21	Berry, Amir Elijah-Jordan	11-17-2021
SR	57	5.7	64305809	Pistol	Robertson, Kevin	07-10-21	Berry, Amir Elijah-Jordan	11-17-2021
ATP	Omni Max	556	NS343869	Pistol	Robertson, Kevin	05-10-22	Berry, Amir Elijah	05-11-22

**\*\*Those highlighted in yellow denote having been recovered by police**

13. As can be seen in paragraph 12, the two pistols highlighted in yellow have been recovered by police. The Glock model 19 bearing S/N: BCRB260 was recovered by Minneapolis PD on December 11, 2021, as detailed in paragraph 9. The other pistol, a Sturm, Ruger & Company, Model 57, 5.7x28mm, bearing S/N: 64305809 was recovered during a search warrant conducted by Lansing PD on January 11, 2022 at a residence in the city of Lansing. In addition to locating the pistol registered to Amir Berry, officers located 5 additional firearms, crack cocaine, and powder cocaine. This pistol was purchased/registered to Kevin Robertson on July 10, 2021 and transferred to Amir Berry on November 17, 2021.



14. Additional queries into pistols registered to Kevin Robertson confirmed that another pistol purchased by Kevin Robertson was later sold to an individual who was only 19 years of age, Jimmie Jashawn Collins. This firearm was a Glock, model G17, 9mm pistol bearing S/N: AERP858. This firearm was originally purchased by Kevin Robertson on September 20, 2020 and transferred to Collins on April 05, 2021.

15. While obtaining documents related to pistol purchases made by Kevin Robertson, I became aware that an employee at *Great Lakes Ordinance*, an FFL located in Mason, Michigan, recalled Robertson's name and recalled that Kevin Robertson typically calls the store to ask if they have a particular gun in stock weeks before he shows up. He then shows up to purchase the guns with two young adults (17-19ish) with him, but he is the only one who purchases anything.

16. Pursuant to 18 USC § 922(b)(1), a Federal firearms licensee is prohibited from selling or delivering a firearm other than a shotgun or rifle, or ammunition other than for a shotgun or rifle, to any person under 21.

17. Robertson completed an ATF Form 4473 with respect to all of the purchases. ATF Form 4473 is required to be completed when a person proposes to purchase a firearm from a Federal Firearms License (FFL) holder, such as a gun dealer. The form contains the purchaser's name, address, date of birth, government-issued photo ID, National Instant Criminal Background Check System (NICS) background check transaction number, and a short affidavit stating that the purchaser is eligible to purchase firearms under federal law. It also contains the make, model, or serial numbering the firearm. Lying on the form is prohibited under 18 U.S.C. § 924(a)(1)(A).

18. As part of this form, the transferee/buyer certifies they are purchasing the firearm for him/herself (question 21.a).

19. The form (question 22) also explains and requires certification the transferee/buyer is aware that "the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of Federal law. I am aware that under 18 U.S.C. § 922(a)(1) it is unlawful for a person to engage in the business of dealing in firearms without a license."

20. At the conclusion of the form, the transferee/buyer must personally complete and certify (sign and date) that the answers provided are true, correct, and complete.

21. I have reviewed all of the ATF Forms 4473 which Robertson completed with respect to his firearms purchases on March 05, 2022; November 13, 2021, July 10, 2021, and September 20, 2020. On all of the forms, Robertson certified that he is the actual transferee/buyer of all of the firearms.

22. As an ATF agent, I have received training related to “red flags” or other indications of firearm trafficking. Based on my training, I know when an individual purchases a high quantity of firearms in a short amount of time, as Kevin Robertson has done, it is an indicator of firearm trafficking.

23. Additionally, I know an individual purchasing a high quantity of pistols and selling them to individuals under the age of 21, as Kevin Robertson has done, is another indicator of firearm trafficking.

### **CONCLUSION**

24. Based upon all of this information, there is probable cause that November 13, 2021, when Kevin Shawn Robertson purchased two pistols from *Guns Galore Inc.* in Fenton, MI, and subsequently transferred them to Amir Berry and Myques Berry four days later, that he knowingly made false

representations related to whether he was the actual buyer/transferee of the firearms on ATF Form 4473 when purchasing the pistols, in violation of Title 18 U.S.C. § 924(a)(1)(a).

Respectfully submitted,

  
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Nathan Sutara  
ATF Special Agent

Sworn to before me and signed in my presence and/or by reliable electronic means on July 29, 2022.



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Hon. Curtis Ivy, Jr.  
United States Magistrate Judge